THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition Nos. 2271 and 27023 of 2005

DATE: 22.01.2007

W.P.No. 2271 of 2005

Between:

D. Rajasekhar

...Petitioner

And

Northern Power Distribution Company Limited, rep. by its Chairman and Managing Director, Khairatabad, Hyderabad and others.

...Respondents.

W.P.No. 27023 of 2005

Between:

Smt. P. Manjula.

...Petitioner

and

The Chief General Manager (HRD), A.P. Northern Power Distribution Co., Ltd., Warangal and others.

...Respondents.

THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition Nos. 2271 and 27023 of 2005

Common order:

The issue that arises for consideration in both the writ petitions is one and the same and, therefore, they are being disposed of by a common order.

In both the writ petitions, the question that falls for consideration is as to the legality and validity of the order of rejection of their candidature by the Chief General Manager (HRD), whereunder he rejected the cases of the petitioners for appointment as LDC/Typist/Sub-Engineer/JLM (ST only) under 50 per cent quota as per B.P.Ms.No.36 dated 18-5-1997.

The case of the petitioners is that they have worked as casual labourers under a Contractor of the respondent organization as on the crucial date i.e., 18-5-1997 and as such they are entitled to be considered for appointment.

In an earlier round of litigation, the petitioners have approached this Court and this Court directed the respondents to consider the cases of the petitioners and if found eligible appoint them in the respective posts. Under the present impugned order, their cases have been rejected on the following ground:

"You are not on rolls as on 18-05-1997".

Aggrieved by the said rejection orders, these writ petitions are filed.

Heard the learned counsel for the petitioners and the learned Standing counsel for the respondents.

The learned counsel for the petitioners submits that

the impugned rejection order is passed without giving any valid reason, and though the respondents state that the L.S. agreement and other connected records do not indicate that the petitioners are not on rolls as on that day, the rejection order, however, does not indicate the details of LS agreement, such as commencement of work and ending of work. These are the matters to be reconsidered by the Chief General Manager of the respondent organization with the relevant records.

The learned Standing Counsel submits that as per the official records and bio-data submitted by the petitioners and on verification of the same by the respondents, the respondents found that the petitioners are not on rolls as on 18-5-1997, therefore, they have passed the impugned order.

At this stage, both the counsel agreed that the Court may dispose of the writ petitions with a direction to the Chief General Manager of the respondent organization to reconsider the issue with relevant records. The learned counsel for the petitioners sought liberty to produce relevant documents to substantiate their claim that they are on rolls as on the cut off date i.e., on 18-05-1997.

Having regard to the facts and circumstances of the case and in view of the agreed stand taken by both the counsel, I deem it proper to dispose of the writ petitions with the following directions:

1. The petitioners are at liberty to produce all the relevant material before the Chief General Manager of the respondent organization on or before 24-02-2007 to substantiate their claim.
2. On receiving such material, the Chief General Manager is directed to reconsider the case of the petitioners in the light of the

material to be produced by the petitioners and the record available with them and pass a speaking order as expeditiously as possible.

With the observations as above, both the writ petitions are disposed of. No costs.

N.V.RAMANA, J.

Date: 22.01.2007
Note:
Issue CC today
(B/O)
Nsr/Sj